

REMARKS

Upon entry of this amendment, claims 1 – 20 shall be pending in this application.

The drawings are objected to under 37 C.F.R. 1.83(a) for failing to show every feature of the invention specified in the claims. Specifically, the second beams spanning across a third angle oriented perpendicular to the first angle (claims 4 and 16) must be shown or canceled from the claims.

Figures 5, 5A and 6 clearly illustrate this claimed feature. Specifically, Figure 5 illustrates second beams scanning across a first angle on a plane parallel with direction arrow 94. Figure 5A illustrates second beams spanning across a third angle on a plane parallel with direction arrow 92. The direction arrows 92 and 94, and thus the first and third angles are mutually perpendicular as depicted in Figures 5, 5A and 6, as well as described in paragraph [0037] of the specification.

The specification is objected to under 37 C.F.R. 1.75(d)(1) as failing to provide proper antecedent basis for the claimed subject matter. Specifically, the specification does not seem to support the second angle being between 90° and 150°.

Paragraph [0040] of the specification has been amended to state “The 120° arc span is an approximation and could include other values such as 90° to 150° without departing from the spirit of the invention.

The above described changes and additions to the drawing figures and specification find a clear antecedent basis in the original specification, drawing figures and/or claims. Accordingly, no new matter has been entered.

In view of the forgoing, it is respectfully requested that the objections to the drawing figures and specification be withdrawn.

Claims 1 – 3, 6 – 9, 11 and 12 are presently allowed. The applicants appreciate the Examiner's continued attention and consideration.

Claims 4, 5, 10, 16 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicants consider as the invention.

The applicants believe that the above amendments to the drawings and specification largely provide the clarity requested. Drawing Figure 5 depicts the plurality of second beams 88 and a plurality of third beams 89 in a two dimensional perspective as viewed along directional arrow 92. As viewed in Figure 5, the second beams 88 span across a first angle (60°) and the third beams 89 span across a larger, second angle (120°). Drawing Figure 5A depicts the plurality of second beams 88 and the plurality of third beams 89 in a two dimensional perspective as viewed along directional arrow 94. As viewed in Figure 5A, the second beams span across a third angle (60°) and the third beams 89 span across a larger, forth angle (120°). Inasmuch as the two viewing arrows 92 and 94 are mutually perpendicular, the first and second angles of Figure 5 are respectively perpendicular to the third and forth angles of Figure 5A. Restated, the third angle is oriented on a plane that is orthogonal to that of the first angle. Similarly, the forth angle is on oriented on a plane that is orthogonal to that of the second angle.

In view of the forgoing discussion and above described amendments to the drawing figures and specification, withdrawal of the rejection and allowance of claims 4, 5 and 10 is requested.

Claims 13 – 15 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Wallace et al. (U.S. 6,914,526).

Claim 13 has been amended to recite “*An automotive occupant position restraint apparatus ... comprising: an optical energy source ... a **diffractive element** disposed in a path of the first beam of optical energy ... ; an optical arrangement disposed in a path of the second beams ... ; and an optical energy receiver ...*”.

Wallace fails to disclose or suggest inclusion of a diffractive element in an occupant position restraint apparatus.

Thus amended, independent claim 13, as well as claims 14, 15 and 19, which depend therefrom are deemed to be in allowable form.

Claims 16 – 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallace et al..

Claims 16 – 18 and 20 all depend, directly or indirectly, from independent claim 13, and are also deemed to be in allowable form in view of the forgoing amendments.

Accordingly, it is requested that the above described rejections be withdrawn.

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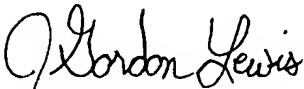
Conclusion

Applicant believes, in view of the amendments and remarks herein, that all grounds of rejection of the claims have been addressed and overcome, and that all claims are in condition for allowance.

If it would further prosecution of the application, the Examiner is urged to contact the undersigned at the telephone number provided.

The Commissioner is hereby authorized to charge any fees associated with this communication and/or credit any overpayments to Deposit Account No. 50-0831.

Respectfully submitted,


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AMENDMENTS TO THE DRAWINGS

Please substitute the enclosed drawing sheets 1/8 to 7/8, inclusive, each labeled "Replacement Sheet", for the corresponding sheets presently in the case. Note that originally numbered sheets 1/7 to 7/7 now correspond with Replacement Sheets numbered 1/8 to 7/8, respectively.

Please add the enclosed drawing sheet 8/8 which is labeled "New Sheet" containing new drawing figure 5A.

Figure 5 is amended to add a direction arrow pointing out of the plane of the drawing sheet with a reference numeral 92 and an associated lead line.

Figure 5 is further amended to re-designate the low power near infrared light beams exiting the lens arrangement 98 by reference numeral 89. Note that the low power near infrared light beams entering the lens arrangement 98 remain designated by reference numeral 88.

New Figure 5A corresponds with Figure 5 rotated about the horizontal axis by 90°, with direction arrow 94 pointing into the plane of the drawing and direction arrow 92 directed parallel to the plane of the drawing.

Figure 6 is amended to explicitly depict the 90° offset of the respective rows and columns of low power near infrared light beams 88.

It is believed that the amendments to the drawings, together with the aforementioned amendments to the specification, address all objections raised in the Office Action.

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Therefore, it is requested that the objections be withdrawn in view of the amendments to the drawing figures and specification, and the remarks above.